



Appeal Decision

Site visit made on 21 September 2021

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/E5330/W/21/3268962

82 Reidhaven Road, Plumstead, London, SE18 1BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by GRP against the decision of the Council of The Royal Borough of Greenwich.
 - The application 20/0335/F, dated 31 January 2020, was refused by notice dated 8 December 2020.
 - The development proposed is the change of use from residential (Class C3) to HMO (Class C4) and a rear dormer.
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Preliminary matters

1. The development the subject of this appeal has been undertaken and so planning permission is sought for retention of the use and the works to the property.

Decision

2. The appeal is allowed and planning permission is granted for the change of use from residential (Class C3) to HMO (Class C4) and a rear dormer at 82 Reidhaven Road, Plumstead, London, SE18 1BU in accordance with the terms of the application Ref 20/0335/F, dated 31 January 2020, subject to the conditions set out in the attached schedule.

Main issues

3. The first main issue is whether the development is consistent with the Council's policies regarding the provision of housing of a satisfactory standard in the Borough. The second main issue is the effect of the development on the character and appearance of the area.

Reasons

Housing policy

4. The property contains five rooms used as bedrooms, two kitchens and three WCs/bathrooms. The application made to the Council was for use of the property as a House in Multiple Occupancy (HMO) for 5 persons, i.e. one occupant per bedroom. This accords with the limit on the current HMO License at the property.
 5. The Council consider the size of three of the bedrooms to be large enough to accommodate two persons instead of one, with Bedrooms 1, 3 and 5 having
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- floorspaces that meet minimum standards for double rooms. The Council consequently view the property as capable of accommodating 8 persons. If this level of occupancy was to occur then the Council's concern is that there would not be sufficient kitchen space or living room area for residents.
6. Whilst the minimum floorspace standards are exceeded, I consider it of equal importance to view the layout of the property and configuration of the space; I undertook this at my site visit. I saw that the position of the door and bay window in Bedroom 1 mean that realistically it is likely only to be a single occupancy room, albeit slightly more spacious than the smaller Bedrooms 2 and 4.
 7. Bedroom 5 has a large floorspace figure but the usability of that room is severely compromised by the L-shape, low ceiling height and position of the door; although I understand in the past there has been double occupancy in that room, I concur that realistically Bedroom 5 is only single occupancy.
 8. Bedroom 3 is more generously proportioned and conventionally laid out and could, conceivably, accommodate a double bed. However, I am also conscious that the property does not have any communal space beyond the two kitchens, i.e. nowhere for residents to sit, or to eat. Thus it is apparent to me that such activity takes place in their rooms and so I concur with the appellants' submission that the fact some bedrooms have a modest increase in size over the single bedroom standards – which are minimum standards – does not necessarily mean the room will have two occupants; it can be a pleasant room for one person.
 9. My appraisal of the property therefore satisfies me that the layout and size of rooms provides suitable accommodation for 5 occupants in the HMO, and it is extremely unlikely that there would be greater occupancy.
 10. I am reassured on this point by the appellants' reference to the licensing procedure for the HMO registration, which means that the property cannot be used for more than 5 occupants. The Council state that this control could be circumvented by simply applying for an amended license for more occupants. However, I consider such concerns for the Council as local planning authority could be alleviated by attaching the suggested planning condition limiting occupancy to 5 occupants.
 11. The main parties have referred me to previous appeals where such a condition has variously been attached or considered not enforceable due to the difficulty of detecting a breach. But in my view the precision and enforceability of such a planning condition is straightforward. As the appellants say, it would be unlawful to operate an HMO without the correct license. Hence, if the appellants did increase the occupancy above 5, they would require a new license. This would then be clear proof that occupancy was above any planning permission for an HMO with 5 occupants and hence a breach of the relevant planning condition would be occurring. It would be then be a simple matter for the Council as local planning authority to seek compliance with that condition; the condition would be enforceable and precise.
 12. On the first main issue it is therefore my conclusion that the use of the premises as an HMO for 5 persons provides housing of a satisfactory standard, consistent with the objectives of Policy D6 of the London Plan (2021), Policy H5 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014),

Royal Greenwich Residential Extensions, Basements and Conversions Supplementary Planning Document (SPD) (2018), and the Royal Borough of Greenwich Standards for Houses in Multiple Occupation (2017).

Character and appearance

13. A Certificate of Lawfulness was granted in 2018 for a proposed rear dormer extension at the property (ref. 18/2852/CP). I understand the dormer at No. 82 was built pursuant to this but not in accordance with drawings confirmed as lawful under that Certificate. From the submissions made to me, and observations at the site visit, it appears the difference chiefly relates to the junction of the rear addition and the eaves, which has not been set-back and rises above the parapet wall.
14. I acknowledge the Council's comment that, as the dormer that has been installed does not meet permitted development tolerances, it must be considered afresh against the policies of the development plan. However, I give significant weight to the fallback position of the dormer as was shown in 18/2852/CP. But in any event, in the context of the character and appearance of the surrounding area, which has seen alterations to roofs, the design of the extension is acceptable. There are fleeting glances of the extension from Reidhaven Road to the north, and in that view the wide dormer to the rear of No. 78 and in the foreground can be seen along with the dormer to No. 90 to the rear.
15. On the second main issue it is therefore concluded that the proposal would not be harmful to the character and appearance of the area and hence consistent with the relevant policies of the development plan that seek to ensure extensions are appropriate to the area, namely Policy D3 of the London Plan (2021), and Policies DH1 and DH(a) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies (2014), and the SPD.

Conclusions and conditions

16. For the reasons given the appeal is allowed.
17. I note suggested conditions from the Council relating to waste storage and cycle provision. I consider those necessary to ensure adequate provision made at the premises for occupants to provide suitable facilities and a range of transport options. Due to the location of the property a flood evacuation plan is also necessary.
18. I have attached the condition limiting the occupancy of the HMO as it is necessary and relevant, as explained earlier in my reasoning. I have also attached a condition specifying the approved plans is attached in the interest of precision.

C J Leigh

INSPECTOR

Appeal APP/E5330/W/21/3268962: Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans 1920_01-01 Rev C, 1920_01-02 Rev B, 1920_01-03 and Location Plan.
- 2) (a) Within 3 months of the decision, full details of the refuse storage and refuse collection arrangements, including storage capacity, shall be submitted to, and approved in writing by, the Local Planning Authority. These arrangements must provide details on the storage capacity for waste and recyclables, bearing in mind that a 5 room HMO will generate more waste than a single dwelling. The Royal Borough of Greenwich Council's 'New Developments - Guidance Notes for the storage and collection of waste and recycling materials' should be considered when demonstrating the required bin storage capacity and arrangements.

(b) The storage and recycling facilities shall in all respects be constructed in accordance with the approved details within 6 months of the decision and retained thereafter.
- 3) (a) A minimum of 2 secure and dry cycle parking spaces shall be provided within the rear garden of the development.

(b) Within 3 months of this decision, full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

(c) All cycle parking spaces shall be provided and made available for use within 6 months of this decision and retained thereafter.
- 4) (a) Within 3 months of the decision, an evacuation plan covering flood evacuation and escape routes, signage within the building, and the requirement to sign up for flood alerts and ensure property manager is aware of the Flood Evacuation Plan shall be submitted to, and approved in writing by, the Local Planning Authority.

(b) The evacuation plan and measure identified within it shall fully implemented in accordance with the approved details within 3 months of the decision and shall be retained for the lifetime of the development.
- 5) The development hereby approved shall be used as a five bedroom HMO only, with single-occupancy units and shall not be used for any other purpose falling within the C4 use class.